

**REMARKS**

Claims 1-15 are pending in the application as previously amended.

Claims 1, 2, 4, 6, 7, 9, 11, and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Raith et al. (US 6,510,515), hereinafter referred to as Raith. Claims 3, 8, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Raith. Claims 5, 10, 14, and 15 stand rejected under 35 U.S.C §103(a) as being unpatentable over Raith in view of Birdwell (U.S. 6,032,197), hereinafter referred to as Birdwell.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1, 2, 4, 6, 7, 9, 11, and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Raith.

Applicants amend independent Claims 1, 6, and 11 in order to place these claims as well as all of their dependent claims in condition for speedy allowance. Raith teaches “techniques for controlling access to broadcast information services” (see Raith column 1, lines 5-15), specifically the transmission of an encryption service key (see columns 9 and 10). In contrast, Applicants’ Claims 1, 6, and 11 include the limitation that the “broadcast overhead information includes a broadcast service protocol option.” Applicants’ specification as originally filed teaches the transmission of information relating to broadcast service protocol options on an overhead transmission channel (see paragraphs [1058] through [1064] in Applicants’ specification as originally filed). Furthermore, Applicants’ specification as originally filed teaches the use of “out-of-band channels for transmitting information to the mobile station regarding the protocol options” in order “to avoid requiring coordination between the wireless network and CS (Content Server).” (See paragraph [1064] in Applicants’ specification as originally filed). Raith neither teaches nor recites the transmission of the information regarding the protocol options on an overhead transmission channel and the advantages of such a transmission.

The discussion above demonstrates that independent Claims 1, 6, and 11 as amended are patentably distinct from Raith. Therefore these claims, as well as dependent Claims 2, 4, 7, 9, and 12 which depend upon these independent claims, should be allowed.

Claim Rejections under 35 U.S.C. § 103 (a)

Claims 3, 8, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Raith. Claims 5, 10, 14, and 15 stand rejected under 35 U.S.C §103(a) as being unpatentable over Raith in view of Birdwell.

Claims 3, 8, and 13 depend upon independent Claims 1, 6, and 11, respectively, which have been amended and discussed in the discussion above regarding the §102(e) rejections. Raith does not teach or recite the elements and limitations in the claims as amended, nor in their dependent claims. Furthermore, Raith teaches the transmission of an encryption service key specifically to control access to broadcast services, and neither teaches nor recites the use or advantages of transmitting protocol options on an overhead transmission channel. It would not have been obvious to one ordinary skill in the art at the time of Applicants' invention to modify Raith's teaching into the Applicants' method to transmit the protocol options on an overhead transmission channel.

Similarly to the discussion in the last paragraph, Claims 5, 10, and 14 depend on Claims 1, 6, and 11, and Raith in combination with Birdwell neither teach nor recite the use or advantages of transmitting protocol options on an overhead transmission channel. Furthermore, Raith in combination with Birdwell does not teach all the elements of Applicants' Claim 15 as amended.

Amended Claims

Applicants amend Claims 1, 6, 11, and 15. These amendments have ample support in the specification as originally filed and therefore do not constitute new matter.

New Claims

Applicants add new Claims 16 and 17. These claims have ample support in the specification as originally filed and therefore do not constitute new matter.


Applicants respectfully assert that all claims are allowable over the cited art. Applicants request withdrawal of the rejections and objections of the present Application for Patent.

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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